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ABSTRACT

Discrimination against students on the basis of sex is prohibited in education programs or activities that receive Federal financial assistance. The Office for Civil Rights of the Department of Education enforces the law prohibiting specific discriminatory activities. The law applies to elementary and secondary as well as postsecondary schools. With certain exceptions, elementary and secondary schools may not assign students to separate classrooms or activities, or prevent them from enrolling in courses of their choice, on the basis of sex. This includes health, physical education, industrial arts, business, vocation, technical, home economics, music, and adult education courses. This brochure outlines the conditions under which educational institutions controlled by religious organizations may request an exception, and regulations pertaining to counseling and appraisal materials, student marital or parental status, and student assignment in athletics. A list of regional Civil Rights Offices is included. (LMI)

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STUDENT ASSIGNMENT IN ELEMENTARY AND SECONDARY SCHOOLS and TITLE IX

Title IX of the Education Amendments of 1972

Prohibits Discrimination Based on Sex

In Education Programs or Activities Which Receive Federal Financial Assistance

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U.S. Department of Education
Office for Civil Rights
Washington, D.C. 20202-1328

STUDENT ASSIGNMENT IN ELEMENTARY AND SECONDARY SCHOOLS AND TITLE IX

Discrimination against students on the basis of sex is prohibited in education programs or activities that receive Federal financial assistance.

Title IX of the Education Amendments of 1972 states that:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . . .

The Office for Civil Rights of the Department of Education enforces the law prohibiting specific discriminatory activities. The law applies to elementary and secondary as well as postsecondary schools. With certain exceptions, elementary and secondary schools may not assign students to separate classrooms or activities, or prevent them from enrolling in courses of their choice, on the basis of sex. This includes health, physical education, industrial arts, business, vocational, technical, home economics, music and adult education courses. Exceptions are discussed below.

Exceptions

Segregation of students by sex is allowed under certain circumstances.

- In music classes, schools may have requirements based on vocal range or quality, which may result in all-male or all-female choruses.
- In elementary and secondary schools, portions of classes that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

- In physical education classes or activities, students may be separated by sex when participating in sports where the major purpose or activity involves bodily contact (for example, wrestling, boxing, rugby, ice hockey, football, and basketball).
- Students may be grouped in physical education classes by ability, if objective standards of individual performance are applied. This may result in all-male or all-female ability groups.
- If the use of a single standard to measure skill or progress in a physical education class has an adverse effect on members of one sex, schools must use appropriate standards that do not have such an effect. For example, if the ability to lift a certain weight is used as a standard for assignment to a swimming class, application of this standard may exclude some girls. The school would have to use other, appropriate standards to make the selection for that class.

The exceptions mentioned above pertain to all educational programs or activities that receive Federal financial assistance. If a school system operates separate educational programs or activities for members of each sex in accordance with these exceptions, it must ensure that the separate courses, services and facilities are comparable. For more information regarding comparability of courses, services and facilities, contact the Office for Civil Rights (OCR). Addresses of OCR regional offices are listed at the back of this pamphlet.

Exemptions

Educational institutions controlled by religious organizations whose tenets conflict with certain requirements of Title IX may request an exemption from those particular requirements. For example, such schools may be allowed to make separate student assignments on the basis of sex.

Counseling and Appraisal Materials

Students are often assigned to or choose classes on the basis of information provided by counselors. Schools must ensure that counseling materials and procedures are not discriminatory on the basis of sex. For example, counselors may not discourage female students from enrolling in shop or industrial arts classes or advise them against taking courses that lead to careers in technical fields.

For appraising and counseling students, schools may not use tests and other materials that are different or require different treatment on the basis of six, unless the materials cover the same occupations and interest areas and are essential to eliminate sex bias. Where a particular class or course of study has a substantially disproportionate number of members of one sex, schools must ensure that the disproportion is not the result of discrimination in counseling or appraisal materials or by counselors.

Marital or Parental Status; Pregnancy and Related Conditions[1]

School rules concerning married students or students who have children must not treat students differently on the basis of sex. Schools may not discriminate against students because of pregnancy, childbirth, false pregnancy, termination or recovery from termination of pregnancy.

A pregnant student or a student with a related condition may not be assigned to separate classrooms or be excluded from participation in regular school activities, unless she voluntarily requests it. If a school operates separate portions of its education

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[1] It should be noted that the religious tenets of some schools may conflict with the regultory requirements in these areas. Such schools may request an exemption from those particular requirements.

program or activities for pregnant students, the educational program must be comparable to that offered to nonpregnant students. Participation in such programs must be voluntary.

A school may require pregnant students or students with related conditions to present certification from a physician regarding their physical and emotional ability to continue in the normal education program or activity only if it requires such certification from all students for other physical or emotional conditions requiring the attention of a physician.

For more information about school leave policies, medical services, and other matters concerning the treatment of pregnant students or students with related conditions, contact the Office for Civil Rights. Addresses of OCR regional offices are listed at the back of this pamphlet.

Student Assignment in Athletics

Interscholastic, club, or intramural athletics that are part of a program or activity benefiting from Federal financial assistance may not be conducted in a manner that discriminates on the basis of sex.

Schools may operate separate (by sex) athletics teams only if selection for the teams is based upon competitive skill, or if the activity involved is a contact sport. (See *Exceptions* section, above.)

For more information on providing equal athletic opportunity and avoiding discriminatory practices on the basis of sex in athletics, contact the Office for Civil Rights. Addresses of OCR regional offices are listed at the back of this pamphlet.

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGIONAL CIVIL RIGHTS OFFICES

REGION I

Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, Vermont

Office for Civil Rights, Region I
U.S. Department of Education
J.W. McCormack Post Office and Courthouse
Room 222, 01-0061
Boston, MA 02109-4557
(617) 223-9662; TDD (617) 223-9695

REGION II

New Jersey, New York, Puerto Rico,
Virgin Islands

Office for Civil Rights, Region II
U.S. Department of Education
26 Federal Plaza
33rd Floor, Room 33-130, 02-1010
New York, NY 10278-0082
(212) 264-4633; TDD (212) 264-9464

REGION III

Delaware, District of Columbia, Maryland,
Pennsylvania, Virginia, West Virginia

Office for Civil Rights, Region III
U.S. Department of Education
3535 Market Street, Room 6300, 03-2010
Philadelphia, PA 19104-3326
(215) 596-6772; TDD (215) 596-6794

REGION IV

Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee

Office for Civil Rights, Region IV
U.S. Department of Education
Post Office Box 2048, 04-3010
Atlanta, GA 30301-2048
(404) 331-2954; TDD (404) 331-7816

REGION V

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Office for Civil Rights, Region V
U.S. Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, IL 60605-1202
(312) 886-3456; TDD (312) 353-2541

REGION VI

Arkansas, Louisiana, Mississippi, Oklahoma, Texas

Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building
Suite 2260, 06-5010
Dallas, TX 75202-9998
(214) 767-3959; TDD (214) 767-3639

REGION VII

Iowa, Kansas, Kentucky, Missouri, Nebraska

Office for Civil Rights, Region VII
U.S. Department of Education
10220 North Executive Hill Boulevard
8th Floor
Kansas City, MO 64153-1367
(816) 891-8026; TDD (816) 374-6461

REGION VIII

Arizona, Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, Wyoming

Office for Civil Rights, Region VIII
U.S. Department of Education
Federal Building, Suite 310, 08-7010
1244 Speer Boulevard
Denver, CO 80204-3582
(303) 844-5695; TDD (303) 844-3417

REGION IX

California

Office for Civil Rights, Region IX
U.S. Department of Education
Old Federal Bulding
50 United Nations Plaza
Room 239, 09-8010
San Francisco, CA 94102-4102
(415) 556-7000; TDD (415) 556-6806

REGION X

Alaska, Hawaii, Idaho, Nevada, Oregon,
Washington, American Samoa, Guam,
Trust Territory of the Pacific Islands

Office for Civil Rights, Region X
U.S. Department of Education
915 Second Avenue, Room 3310, 10-9010
Seattle, WA 98174-1099
(206) 553-6811; TDD (206) 553-4542

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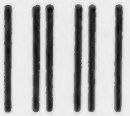

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